

A DEFINITION

OF THE

# OFFICIAL POSITION

AND OF THE

## DUTIES

OF

# "BLACK ROD"

IN ENGLAND.

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"The office of Black Rod is not a sinecure, in England it is a very honorable and responsible office, but it is not so understood in Canada."—*The Earl of Elgin and Kincardine.*

"Every man has a right to do his duty."—*Common Sense.*

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## OFFICIAL POSITION AND OF THE DUTIES OF "BLACK ROD" IN ENGLAND.

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Unlike the ordinary petitioner, the Gentleman Usher of the Black Rod presents himself "in person" before the English Parliament. Unlike the Municipal or Military authority, his staff and title do not convey the idea of limited power, but assert his privilege of being received by the nation, in Parliament represented, as the constitutional and direct messenger from the Chief of the State, these two supreme but united powers, the Crown and the People, having acknowledged him as sole intermediate agent.

To question the dignity of such a functionary is, undeniably, to question, on the one hand, the prerogative and dignity of the Queen, and, on the other, the loyalty and dignity of the Commons, who obey the summons of their Sovereign.

The Gentleman Usher of the Black Rod was appointed by Letters Patent from the Crown. His functions are chiefly of a ceremonial character, "but not wholly so." Orders and commitments against Peers and Peeresses are usually directed him; he is occasionally empowered to cause the apprehension of parties guilty of contempt, a duty, however, which it has been contended belongs more properly to the Sergeant-at-Arms. He is also vested with "the appointment and control of the doorkeepers of the House;" and he is allowed to appoint a Deputy, called the Yeoman Usher, by whom, in fact, "all the ordinary duties of the House are performed."

The Crown has also the appointment of the Sergeant-at-Arms, whose peculiar duty it is to attend the Speaker of the House of Lords, and of whose Mace he is the bearer.—*Maqueen, Practice of the House of Lords, page 68.*

It is evident that a great difference exists between the two offices of Black Rod and that of the Sergeant-at-Arms, the latter being the officer of the Lord Chancellor, and Black Rod being the special officer of the House.

The Gentleman Usher of the Black Rod was appointed anciently, by Letters Patent under the great Seal, and is still Gentleman Usher to the Queen. He attends the House of Peers during Parliament, holding in his hand a black rod (from whence he derives his name), surmounted by a Golden Lion.

This Rod has the same authority as a Mace. To the custody of this officer all Peers called in question for any crime are first committed &c., &c., &c.

Whenever the Queen sends for the Commons to attend her at the Bar of the Lords, for the meeting or prorogation of Parliament, it is by that officer; but when she has deputed a Commission, the Yeoman Usher (who waits at the door within) is usually, though not invariably, the Messenger.—*The Practice and Privileges of the two Houses of Parliament.*—*Alpheus Todd*, page 319.

Any other messages are done and carried by the Masters in Chancery, Master of the Rolls or Clerk of Parliament.—*Ibid.*—*Todd's Parliamentary Law*, page 319.—*Sir Aug. Clifford's second letter*, page 10.

The Gentleman Usher of the Black Rod, is styled by the best English Authors on Parliamentary usages, dignities, precedence, &c., the principal officer of the House of Lords. *Sic* "As principal officer of the House of Lords."—Page 225, *Dodd's Manual of Dignities, Precedence, &c., &c.*

"He is, after the Great Lord Chamberlain, next in rank."—*Vice Admiral Sir Augustus Clifford, Gentleman Usher of the Black Rod's first letter*, page 9.

When the House of Lords takes the answer to the Queen's Speech, the Lord Chancellor having the Clerk of the Parliament on his right, and Black Rod on his left, followed by the mover and seconder of the address, and as many Peers who wish to be present, proceed to Her Majesty's Palace, &c., &c.—*Sir Augustus Clifford's third letter*, page 10.

"As principal officer of the House of Lords his emoluments are considerable," &c., &c.—Page 225, *Dodd's Manual of Dignities, Precedence, &c.*

The privileges of the Black Rod are the private entrée at Court, leave to go through the Parks and Horse Guard, and to



have a residence in the new Houses of Parliament, &c., &c., &c.—*Sir Aug. Clifford's first letter, page 9.*

The Lords do not wait for the action of the Executive to provide a residence for Black Rod in Westminster Palace. In a series of resolutions presented and adopted by the House of Lords on the subject of a proposed plan for the permanent accommodation of the Houses of Parliament in 1835, the residence of the Black Rod is the only one styled "a residence," all the other accommodations being merely called rooms, &c., &c.

12th. "*Resolved*, By the Lords Spiritual and Temporal in Parliament assembled, that the Gentleman Usher of the Black Rod should have a residence within the walls of the proposed buildings," &c., &c.—*Classified Index to the Journal of the House of Lords, page 55.*

"As principal officer of the House of Lords," &c., "he has charge of the High Courts of Parliament," &c., &c.—*Dodd's Manual of Dignities, page 225.*

The resolution of the Lords on the subject of a residence was carried into effect, and a splendid residence was built at the south angle of the Palace of Westminster, perfectly similar to that occupied by the Speaker of the Commons at the opposite angle of the buildings, the designs and plans of which can be seen in the Canadian Parliamentary Library, in the illustrated plans of the Palace of Westminster.

The question would naturally arise, after reading the above paragraph: Why this splendid residence, and why a residence at all? This question has, however, already been answered by the authorities above mentioned. It is because he is principal officer of the House of Lords.—*Dodd, page 225.*

He has charge of the High Courts of Parliament.—*Dodd, page 225.*

He has charge of the Palace of Westminster.—*Sir Augustus Clifford, first letter, page 9.*

And because it is a simple matter of inquiry, by which any body who can read, can ascertain by referring to the Journals of the House of Lords.

The office of Black Rod is "no sinecure," but to the country a very responsible office. It will be beyond a doubt, after reading the Journal of the Lords, that "Black Rod" has the entire control over the interior economy of the House. He appoints all doorkeepers and messengers. He, moreover, appoints his Yeo-

man Usher or Deputy, who receives the large salary of £1,000 per annum.

It will be seen by the different extracts from these Journals, which require no comment, that all these privileges are due to his rank, and the Lords have thought it expedient, reasonable and just, it should be so. It will also be seen that, in every instance, the doorkeepers, messengers, and housekeepers of the House, are mentioned as being in the department of Black Rod, and under his control.

But it will appear particularly clear, as it is becoming it should be, that all his suggestions and recommendations are particularly appreciated by the Lords and generally attended to.

The Lords do not derive their informations as regard the management of their own house from servants, but from their officers.—*Vol. 82.—A correspondence addressed to the Committee of the Lords on Contingencies, by Sir Aug. Clifford, page 45.*

His suggestions for promotion, for indemnity, for increase of salary, are most generally granted by the House.

Having the appointments in his gift, subject of course to the approval of the House, he has also the right to punish by exclusion from the service, any delinquents amongst the servants under his control.—*Sir Aug. Clifford's fourth letter, page 12.*

*Extracts from the Journals of the Lords, up to the year 1866.*

The Journals of the House of Lords mention several hundred reports from Select Committees, considered and adopted by the House, appointed on the subject of the Department of the Black Rod.

The composition of those committees show the importance the Lords attach to this department by the selection of the men who compose it.

The honorable names of distinguished men, the Duke of Wellington, Lords Brougham, Cranworth, Ellenborough, Shaftesborough, Lansdown, and so many others, too numerous to mention, frequently appear.—*Classified Index to the Journal of the Lords.*

\* \* \* The Committee then conferred with the Gentleman Usher of the Black Rod upon certain representations made to them from some of the assistant door-keepers and messengers attached to the House, in respect of the arrangement adopted in 1850 upon their salaries. \* \* \* The Gentleman Usher of the Black Rod having recommended that Mrs. Bennett, the house-keeper, should be allowed two additional housemaids for

the Session, the Committee have approved of this recommendation.—1st. Report of Select Committee approved and adopted by the House.—*Lords' Journal*, vol. 84, (6th April,) page 91.

Not only does he appoint the messengers, but he gives orders for the salaries of the employees in his department.

"The Committee, however, recommend that the interest which should accrue from the investment, from time to time, of the surplus of the fees should be paid over to Her Majesty's Treasury, so long as the sums required by the Gentleman Usher of the Black Rod, for the payment of the before-mentioned salaries, should be borne on the annual estimate," &c., &c.—*Lords' Journal*, vol. 98, page 518, year 1866.

The salary, such as fixed by the House of Lords, for the house-keeper is £150, with £50 each for two additional assistants.—*Lords' Journal*, year 1847, page 780.

"The Committee then directed their attention to the Department of the Gentleman Usher of the Black Rod, and there have been laid before them memorials, &c., &c.

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and a Memorial from Mrs. Bennett, the House Keeper to the Lords, praying for an increase of salary, and the Committee having "conferred with Sir Augustus Clifford, the Gentleman Usher of the Black Rod *thereon*," and also upon other matters connected with his Department, and have come to the following resolutions, &c., &c., &c.—(*Memorial granted*), Vol., 86, page 316, *Lords' Journal*.

"The Committee recommend upon the representations of the Gentleman Usher of the Black Rod," &c., &c., &c.—*Lords' Journal*, Vol., 89, page 434, *Report Select Committee*.

The Lords seem to have avoided at all times to legislate with a retroactive effect, but particularly when such legislation could affect vested rights and the sacred obligations of a contract with individuals. In any changes therefore introduced by them in the organization of the internal service, it is not at all surprising to see them mention *specially* that no changes would be made with the present servants but only *with parties hereafter to be appointed*, &c., &c., and as to those changes they felt obliged to introduce, they declare that they will not be done *without proper compensation*.

Report of Select Committee on re-organisation of the Department of the Clerk of Parliament, and office of the Gentleman Usher of the Black Rod.

\* \* \* \* \*

That the Committee addressed their attention in the first place to the present establishment of the Gentleman Usher of the Black Rod. They have been furnished by him unreservedly with the fullest returns respecting the Door-keepers, Assistant Door-keepers and other *officers* and *servants* employed in that department, &c., &c., &c.

After communicating with the Gentleman Usher of the Black Rod, came to the conclusion, that although the increased extent of the House did not admit of any reduction of the total number of Door-keepers and Messengers, yet, that the number of Principal Door-keepers was greater than necessary, and that by a judicious disposition of them so as to make them to superintend the Assistant Door-keeper, four Principal Door-keepers, in lieu of seven, would be sufficient, &c., &c., &c.

\* \* \* \* \*

Having thus endeavoured to define the number of Messengers, the Committee proceeded to consider the amount of their salaries, and they deemed it to be the most convenient course to endeavour to decide what should be the salaries of *parties hereafter to be appointed*, and then to address themselves to the cases of those now actually employed. \* \* \* \*

The Committee think that it would be much to be regretted if there were to be a recurrence of such exorbitant emoluments, &c., &c. \* \* \* They do not feel justified in recommending that they should be compulsorily deprived of their fees *without proper compensation*, &c., &c.; but recommend that their fees should be commuted into fixed salaries.—*Lords' Journal*, Vol., 82, pages 108 and 104.

*Copy of Commission appointing a Doorkeeper by the Gentleman Usher of the Black Rod.*

I, Sir Thomas Tyrwhitt, Gentleman Usher of the Black Rod, by virtue of my office, do hereby nominate, constitute and appoint John Oldrini to be a Doorkeeper in the Right Honorable the House of Lords of the United Kingdom of Great Britain and Ireland, in the room of Thomas Wright, deceased, to have, hold, exercise and enjoy, all the rights, privileges and emoluments of a Doorkeeper, upon the whole establishment of the House of Lords, in as full and ample a manner as the said Thomas Wright held, exercised and enjoyed the same. Given under my hand and seal, this seventh day of June, in the



year of our Lord one thousand eight hundred and thirty-one, and in the first year of Her Majesty's reign.

(L.S.)

THOMAS TYRWHITT,  
*Black Rod.*

Signed in the presence of J. PULMAN,  
*Deputy Black Rod.*

It would be, however, perfectly useless to add to what precedes any other proof of the right of superintendence of Black Rod over the staff of servants of the House of Lords. To those who will not be convinced, in the face of such evidence, it would be useless for the House of Lords itself to affirm the fact.

*Letters received from Vice-Admiral Sir Augustus Cliford, Gentleman Usher of the Black Rod.*

92 EATON SQUARE, PIMLICO,  
April, 25th, 1855.

SIR,—I received your letter of the 31st of March, on my return to town after the Easter Holydays, and I lose no time in attempting to give you the information you desire, respecting the office I hold. I will first begin by informing you that it is a double office, inasmuch as he is one of the officers attached to the Order of the Garter, and on occasions of ceremony attends the Chapter and carries his Rod, which serves instead of a Mace, and has the same authority to apprehend such persons as shall be found to be delinquents, and have offended against the Statutes of the Order.

There is also assigned to him a gold badge, to be worn in a gold chain or ribbon, on his breast, composed of one of the knots of the Collar of the Garter, which tie the roses together, and encompassed with the Garter on both sides. He used, formerly, to have a residence in Windsor Castle, which was granted to him patent, but that was taken away, as well as Garter King at Arms, when the Castle underwent a thorough repair.

With respect to his duties in Parliament, I must here mention, that he is first Gentleman Usher to the Queen, and "has charge of the Palace of Westminster," under the Great Lord Chamberlain, and receives his directions in taking care that the House or Chapter be fitted with all things for the receptions of the Sovereign, and those who sit there. I will now endeavor to answer your questions, *seriatim*, and if I can give you any further information, I shall be happy to do so.

I have the honor to be, &c., &c., &c.

1st. The privileges of the Black Rod are, the private *entrée* at Court, leave to go through the parks and Horse Guards, and to have a residence in the new Houses of Parliament, which are not yet completed.

2nd. He has the patronage of the Yeoman Usher, who he has allowed to assist him in his duties, and of "all the door-keepers and messengers attached to the House."

3rd. On the opening and closing of Parliament by the Sovereign, all tickets are issued by the Great Lord Chamberlain, but on other occasions he can admit a limited number below the bar and in a few seats for ladies, altogether twelve of the latter.

4th. His only salary is, as Gentleman Usher to the Queen, £1800 a year,\* but he has fees on all private bills, and on the introduction of a Peer.

5th. He is after the Great Lord Chamberlain next in rank.

6th. It is difficult to define the exact rank of the Black Rod. Sir Augustus is a Baronet and a Rear Admiral, which gives him a fixed rank in society apart from his office. The Black Rod has a seat allowed him capable of holding four or five persons, but below the Peers and parallel with the Bar.

8th. He wears the full dress and undress of the Court on all state occasions, but on ordinary days a black full-dress suit, with his ribbon and badge of the Garter. The Black Rod endeavors to preserve order at the bar or in the galleries, but not amongst the Peers in the body of the House.

#### BLACK ROD.

P. S.—When the Sovereign, either in Person or by Commission, summons the House of Parliament, he does so by the Black Rod or by his deputy, "other messages are sent by the Masters in Chancery."

(Signed,) AUGUSTUS CLIFFORD.

To R. Kimber, Esq.,  
Gent. Usher Black Rod,  
Quebec, Canada.

*2nd Letter from the same.*

92 EATON SQUARE,  
28th October, 1858.

MY DEAR SIR,—On my arrival in town, two days since, I found

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\* It is difficult to ascertain the exact figure in the original letter, as the last figure is almost illegible.

your letter of the 7th of this month, and will lose no time in answering your questions.

The Great Lord Chamberlain is an hereditary office, and rests in two families, those of Willoughby d'Eresby and Cholmondeley, from their mothers having been daughters of a Duke of Ancaster, who was Lord Great Chamberlain and left no son, and their descendants take alternate reign; for instance, Lord Cholmondeley was in the reign of William the Fourth, and Lord Willoughby in Queen Victoria's.

He has, nominally, the government of the whole Palace of Westminster, and issues tickets for the opening and closing of Parliament; "but, on the meeting, the Gentleman Usher of the Black Rod has practically the charge," and is allowed a Yeoman Usher to assist him, and appoints all the Door-keepers.

When the Session closes the Palace is given up to the Board of Works, who undertakes all the repairs, and the lighting and warming of it during the Session.

I am also Deputy Great Chamberlain, having been appointed so by Lord Willoughby (with the Queen's approbation) during his absence on the continent, but I do not derive any rank out of the House of Lords on that account.

I think these are the chief points on which you wished information, and which I hope will prove satisfactory.

I am your obedient servant,

(Signed,) AUGUSTUS CLIFFORD.

To R. Kimber, Esq.,  
G. U. B. R., Quebec, Canada.

*3rd Letter from the same.*

March 2nd, 1868.

DEAR SIR,—I have received your letter, and have great pleasure in given you any information in my power.

When the Sovereign is in London, the House of Lords go up with the Address, that or the Lord Chancellor, with the mover and seconder, the Clerk of the Parliament on his right, the Black Rod on his left, and as many Peers who choose to attend in full dress or in uniform, or levee dress.

The Lord Chancellor reads the Address, and the Queen reads the answer, which is given to Her by the Secretary for the Home Department, who also takes the address of the House of Lords to be published in the Gazette.

This closes the ceremony in London.

But when the Queen is at Windsor or at Osborne, or out of Town, either the Lord Chamberlain or the Lord Steward, who are called the White Wand, take down the Address and bring back the answer, which has been prepared, and then it is read in both Houses, in the Peers, either by the Lord Chamberlain or the Lord Steward, in the House of Commons either by the Vice-Chamberlain or the Comptroller of the Household.

I think this is all you wish to know, but I shall be happy to give you any further information.

I have the honor to be

Your obedient servant,

(Signed,) AUGUSTUS CLIFFORD.

To R. Kimber, Esq.,  
G. U. B. R., Quebec, Canada.

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*4th Letter from the same.*

January 14th, 1868.

MY DEAR SIR,—I have received and lose no time in answering your letter of the 20th of last month.

The appointment of the Gentleman Usher of the Black Rod is in the gift of the Lord Chamberlain of the Household, and he holds it by patent for life.

He is the first Gentleman Usher of the Sovereign, and "is appointed by Her Majesty to attend upon the Peers in Westminster Palace."

It was only after the fire in 1834 that, upon my suggestion and upon a recommendation of a Committee of the House of Lords, a residence was appropriated to him in the new Buildings, which is at the south angle, corresponding to that of the Speaker of the House of Commons.

It is a handsome residence, consisting of a library, drawing-room, dining-room, with suitable bed-rooms and a bath-room, "and it is furnished by the Government."

The Lord Chamberlain has the appointment of the house-keeper, but all the other attendants, such as door-keepers, messengers or porters are made by the Black Rod at pleasure, and liable to be dismissed of, as well as the Yeoman Usher, on misbehaviour.

With respect to the comparative rank with the Clerk of the Parliament with Black Rod, their duties "are so different," that it depends more on their personal rank than any other, and being myself a baronet I take precedence of Sir John Lefebvre."



My full dress and levee dress are those of the Queen's Household, which is blue, embroidered with gold, but on ordinary day attending I wear a full black dress suit. On one day, happening to go to a levee without my Black Rod, the King told me I ought always to bring it, for that when there "I was always on duty," though excused from constant attendance on account of having to attend on the House of Lords.

When the Parliament is prorogued the Building is in the custody of the Board of Works, like other Royal Palaces, and who "at all times superintend the repairs, and warming and lighting of the House."

The Sergeant who attends upon the Lord Chancellor is not an officer of the House, "but of the Court of Chancery, and only attends in that capacity."

You would find a correct account of all our "officials" in a book called "The Laws of Honour," and particularly of the Queen's Sergeant and Black Rod.

I enclose you a copy of that relating to the "Sergeant," page 390.

Your very obedient servant,  
(Signed,) AUGUSTUS CLIFFORD.

COPY of a Report considered and agreed to by the House of Assembly, 23rd November, 1854.—Journal of Legislative Assembly, page 391.

\* \* \* \* \*

That the Sergeant at Arms shall fill vacancies in his Department, with the approval of the Speaker.

That in order to secure a strict supervision over the expenditure of Your Honorable House, Your Committee are of opinion that the Sergeant-at-Arms should have charge and supervision over his Department and over the incidental expenses connected therewith; the fuel, furnishing and lighting the House and offices, and adopting means for the purchase of supplies *in his Department*, at the lowest possible price, and that the Accountant pay the orders of the Sergeant-at-Arms for expenses incurred by him, and render a separate account of Contingent Expenses of that Department.

*Resolved*.—That this House doth concur with the Committee in their said Report.

The above-cited Report, which was agreed to by the Legislative Assembly "without opposition," shows that, after mature consi-

deration given to the subject, it was thought expedient and wise to give the Sergeant-at-Arms of that house a duty, which not only legitimately belonged to him, but which, for the better government of the House, it was expedient and safe to do. It was found that it was the only means by which a proper check could be placed on both the daily expenses and the servants of the House. It was found that it is safer that the officer who decides on the incurrences of expenditure should not be the same officer who has the power to draw on the public exchequer; and finally, that every man has a right to do his duty, and *that it is simply unjust to deprive him of it.*

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